

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA &
STATE OF NEW YORK,
ex rel. HEEMA SHIEVDAYAL,

Plaintiffs and Relator

v.

CENTERS PLAN FOR HEALTHY
LIVING LLC

Defendant.

**JOINT STIPULATION
OF DISMISSAL**

Civil Action No. 14-6129

(Vitaliano, J.)

WHEREAS, Relator Heema Shievdalay (the “Relator”) filed the above-referenced action in the United States District Court for the Eastern District of New York, in which she asserted claims on behalf of the United States pursuant to the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3729 *et seq.*;

WHEREAS, in the complaint, Relator also asserted claims pursuant to the New York State False Claims Act, New York State Fin. Law §§ 189 *et seq.* (the “NYS FCA”);

WHEREAS, in accordance with 31 U.S.C. § 3730(b), Relator’s complaint was deemed sealed for a period of at least sixty days from the date of service of Relator’s disclosure material on the United States, and the seal and intervention deadline were subsequently extended by Court order;

WHEREAS, on August 28, 2018, the United States and the State of New York filed their Notices of Partial Intervention in this action;

Joint Stipulation of Dismissal – 14-cv-6129 (Vitaliano, J.)

WHEREAS, Relator, the United States and New York State entered into a Settlement Agreement on August 28, 2018 (“Settlement Agreement”) with Defendant Centers Plan for Healthy Living LLC (“Defendant”);

WHEREAS, in the Settlement Agreement, the United States, the State of New York and Relator agreed that when Defendant made its payments toward the settlement amounts, the United States and State of New York would submit a stipulation of dismissal as to the claims against Defendant;

WHEREAS, Defendant has made its payments pursuant to the Settlement Agreement;

WHEREAS, Relator seeks to voluntarily dismiss all remaining claims in this action;

WHEREAS, the United States and New York State consent to Relator’s dismissal of all remaining claims in this action;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED between Relator’s counsel, the undersigned counsel for the United States and New York State that:

1. This action is dismissed with prejudice with respect to all claims brought on Relator’s behalf.
2. Claims on behalf of the United States and New York State which are designated as Covered Conduct in the Settlement Agreement are dismissed with prejudice.
3. All other claims on behalf of the United States and New York State which are contained in the Relator’s Complaint are dismissed without prejudice.

Joint Stipulation of Dismissal – 14-cv-6129 (Vitaliano, J.)

Dated: Brooklyn, New York
Sept. 13, 2018

By: *Joseph A. Marutollo*
RICHARD P. DONOGHUE
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Eastern District of New York
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Dated: New York, New York
September 12, 2018

By: *Andrew Groppper*
BARBARA D. UNDERWOOD
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State of New York
Andrew Groppper
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Dated: New York, New York
_____, 2018

By: *Daniel M. Felber*
Daniel M. Felber, Esq.
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(212) 425-4250

SO ORDERED

On this 13th day of September, 2018.

s/Eric N. Vitaliano

THE HONORABLE ERIC N. VITALIANO
UNITED STATES DISTRICT JUDGE